IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 706 (SS) of 2006

1. Vijay Pal Singh, S/o Sri Kinkar Singh, Police Constable, 169 Police Line, chamba, District – Tehri Garhwal.
2. Sureshanand, S/o late Sri Sobha Ram Joshi, Police, Constable,140/355, Police Line, Chamba, District-Tehri Garhwal.

……Petitioners.

Versus

1. State of Uttarakhand through Director General, Police, Uttarakhand, Dehradun.
2. Senior Superintendent of Police, Dehradun.
3. Superintendent of Police, Tehri Garhwal.
4. Deputy Superintendent of Police, Tehri Garhwal.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri K.S. Bora, learned counsel for the petitioners and Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioners have prayed for the following relief:

a. Issue a writ, order or direction in the nature of Certiorari quashing the impugned charge sheet dated 10.05.2006 passed by respondent no. 4.

b. Issue a writ, order or direction in the nature of Mandamus direction the respondents to pay the subsistence allowance for the suspension period (23.12.1998 till 11.05.1999)

c. Issue a writ, order or direction in the nature of Mandamus direction the respondents to pay all the

arrears of the salary which includes annual salary increment with effect from 1998 along with all the consequential benefits of service to the petitioners with effect from 1998.

d. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

e. Award the costs of the petition to the petitioner.

The stand of the petitioners is that petitioner, who were working as Police Constable, had been suspended vide order dated 23.12.1998 passed by Superintendent of Police, Tehri Garhwal for certain charges. Thereafter, suspension order was revoked vide order dated 11.05.1999.

However, again charge sheet dated 10.05.2006 was furnished upon the petitioners framing similar charges except one charge against them. Inquiry has already been concluded by the Inquiry Officer. Inquiry report has been submitted by the Inquiry Officer to the Disciplinary Authority. Disciplinary Authority has asked the petitioners to explain why the punishment recommended by the Inquiry Officer should not be imposed upon them. Petitioners have already replied the explanation to Disciplinary Authority, however, Disciplinary Authority has yet not passed any order till date.

A criminal case was registered against the petitioners bearing criminal case no. 44 of 2000 under sections 223 and 406 IPC in the aforesaid criminal case, Chief Judicial

Magistrate, Tehri Garhwal, has already acquitted the petitioners.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation raising all their grievances before Disciplinary Authority annexing therewith the judgment passed by the Trial Court and Disciplinary Authority is directed to take decision on the representation of the petitioners I accordance with law within a period of three weeks from the date of production of certified copy of this order along with representation.

With this direction, writ petition as well as all the pending applications are finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 23, 2007
SKS